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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,188	04/26/2001	Hisakazu Kobayashi	2001_0511A	7258

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EXAMINER

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/842,188	KOBAYASHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David Lazaro	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-16 are pending in this Office Action.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

3. Claims 3, 12 and 15 are objected to because of the following informalities: The use of "noticed to the user" would be better understood as "the user is notified". For example, the Applicants may want to rewrite claim 3 as "wherein the user is notified of the operation information transmission". Appropriate correction is required.
4. Claims 13 and 16 are objected to because of the following informalities: In step "d" of both claims, "as double click" should be "a double click". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 14-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Both independent claims 14 and 16 are

directed towards a computer program product for remote control of another computer terminal coupled to a computer terminal through a network (from Claim 14).

Specifically, Claim 14 is directed towards steps for determining if an operation of a pointing device is a double click and for transmitting such operation information to the network. Claim 15 is dependent on Claim 14. Claim 16 is specifically directed towards monitoring for operation information and determination of if the operation information shows a double click operation to be reproduced. However, descriptions and steps of a computer program not encoded on a computer readable medium do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized (See MPEP 2106.IV.B.1(a)). Therefore Claims 14-16 are directed to non-statutory subject matter.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 10-16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 10 recites the limitation "said information processing unit" in line 11 of page 18. There is insufficient antecedent basis for this limitation in the claim. The examiner notes it should be "said first information processing unit".

10. Claim 11 recites the limitation "the input status" in step b, "the lapse time" in step c, and "the operation information" in step i. There is insufficient antecedent basis for these limitations in the claim.

11. Claim 12 recites the limitation "composite operation information". There is insufficient antecedent basis for this limitation in the claim.

12. Claim 13 recites the limitation "the received operation information" in step a, and "the operation information" in step b. There is insufficient antecedent basis for these limitations in the claim.

13. Claim 14 recites the limitation "the input status" and "the coordinates data" in step b, "the lapse time" in step d, and "the operation information" in step i. There is insufficient antecedent basis for these limitations in the claim.

14. Claim 15 recites the limitation "composite operation information". There is insufficient antecedent basis for these limitations in the claim.

15. Claim 16 recites the limitation "the received operation information" in step a, and "the operation information" in step b. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

17. Claims 1, 4, 6, 8-10, 13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,240,444 by Fin et al. (Fin).

18. With respect to Claim 1, Fin teaches a computer terminal device coupled to another computer terminal device through a network (Col. 4 lines 32-43) comprising: i) an information processing unit (Col. 4 lines 44-63), ii) a communication unit for exchanging information with the network (Col. 4 lines 32-43), and iii) a pointing device for controlling said computer terminal device (Col. 4 lines 44-50), wherein said information processing unit converts an operating procedure of the pointing device into operation information (Col. 9 lines 8-43) including operation data (Col. 9 lines 25-33), coordinates data (Col. 9 lines 33-40), and time interval data between operations (Col. 9 lines 33-40), and said communication unit transmits the operation information to the network (Col. 9 line 62 - Col. 10 line 14).

19. With respect to Claim 4, Fin teaches all the limitations of Claim 1 and further teaches wherein said information processing unit comprises operation determining means for judging whether the operation of the pointing device is single click or double click (Col. 9 lines 25-30), and a transmission data output unit, and when said operation determining means judges double click, said transmission data output unit outputs the operation information including the information showing double click to the communication unit (Col. 9 lines 25-40 and Col. 9 line 62 - Col. 10 line 14 and Col. 10 lines 23-28).

20. With respect to Claim 6, Fin teaches a host computer terminal device coupled to a computer terminal through a network (Col. 4 lines 32-43) comprising: i) an information processing unit (Col. 4 lines 44-63), and ii) a communication unit coupled to the network (Col. 4 lines 32-43), wherein said information processing unit decomposes operation information (Col. 10 lines 23-28) including operation data (Col. 9 lines 25-33), coordinates data (Col. 9 lines 33-40), and time interval data between operation (Col. 9 lines 33-40) showing an operating procedure of the pointing device of the computer terminal received by the communication unit into the operating procedure (Col. 10 lines 15-28).

21. With respect to Claim 8, Fin teaches all the limitations of Claim 6 and further teaches wherein said information processing unit comprises reproducing means, and said reproducing means reproduces two single clicks when the information processing unit receives the operation information showing double click (Col. 10 lines 15-28 and lines 38-52).

22. With respect to Claim 9, Fin teaches all the limitations of Claim 6 and further teaches wherein said information processing unit comprises data determining unit, and said data determining unit judges single click when receiving the operation information showing single click (Col. 10 lines 15-28 and lines 38-52).

23. With respect to Claim 10, Fin teaches a remote control system through a network (Col. 2 lines 65 - Col. 3 line 9) comprising: a) a first computer terminal, and b) a second computer terminal coupled through the network (Col. 4 lines 32-43), wherein said first computer terminal comprises: i) a first information processing unit (Col. 4 lines 44-63), ii)



a first communication unit for exchanging information with the network (Col. 4 lines 32-43), and iii) a pointing device for controlling said first computer terminal (Col. 4 lines 44-50), said information processing unit converts an operating procedure of the pointing device into operation information (Col. 9 lines 8-43) including operation data (Col. 9 lines 25-33), coordinates data (Col. 9 lines 33-40), and time interval data between operations (Col. 9 lines 33-40), and said first communication unit transmits the operation information to the network (Col. 9 line 62 - Col. 10 line 14), said second computer terminal comprises: a) a second information processing unit (Col. 4 lines 44-63), and b) a second communication unit coupled to the network (Col. 4 lines 32-43), and said second information processing unit decomposes the operation information received by said second communication unit into the operating procedure (Col. 10 lines 15-28 and lines 38-52).

24. With respect to Claim 13, Fin teaches a remote control method from another computer terminal at a computer terminal coupled to said another computer terminal through a network (Col. 2 lines 65 - Col. 3 line 9), comprising the steps of: a) monitoring the received operation information of said another computer terminal (Col. 9 line 62 - Col. 10 line 14), b) judging whether the operation information is received or not (Col. 10 lines 15-28), c) judging whether the operation information includes data showing double click or not (Col. 10 lines 15-28 and lines 38-52), and d) reproducing as double click operation at the computer terminal if the operation information includes data showing double click (Col. 10 lines 15-28 and lines 38-52).

25. With respect to Claim 16, Fin teaches a computer program product for remote control from another computer terminal at a computer terminal coupled to said another computer terminal through a network (Col. 2 lines 65 - Col. 3 line 9), comprising the steps of: a) monitoring the received operation information of said another computer terminal (Col. 9 line 62 - Col. 10 line 14), b) judging whether the operation information is received or not (Col. 10 lines 15-28), c) judging whether the operation information includes data showing double click or not (Col. 10 lines 15-28 and lines 38-52), and d) reproducing as double click operation at the computer terminal if the operation information includes data showing double click (Col. 10 lines 15-28 and lines 38-52).

***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fin in view of U.S. Patent 6,760,017 by Banerjee et al. (Banerjee).

28. With respect to Claim 2, Fin teaches all the limitations of Claim 1 but does not explicitly disclose transmission through wireless means. Banerjee teaches that wireless network systems are known in the art (Col. 1 line 54-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the device disclosed by Fin and modify it as indicated by Banerjee such that said communication

unit transmits the operation information by wireless means. One would be motivated to have this as it is known in the art and reduces the need for a direct wire connection (Col. 1 lines 54-67).

29. With respect to Claim 7, Fin teaches all the limitations of Claim 6 but does not explicitly disclose reception through wireless means. Banerjee teaches that wireless network systems are known in the art (Col. 1 line 54-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the device disclosed by Fin and modify it as indicated by Banerjee such that said communication unit receives the operation information by wireless means. One would be motivated to have this as it is known in the art and reduces the need for a direct wire connection (Col. 1 lines 54-67).

30. Claims 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Fin in view of U.S. Patent 6,782,414 by Xue et al. (Xue).

31. With respect to Claim 3, Fin teaches all the limitations of Claim 1 and but does not teach transmission of the operation information is noticed to the user. Xue teaches the transmission of information can be noticed to the user (Col. 2 lines 10-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the device disclosed by Fin and modify as indicated by Xue such that the transmission of the operation information is noticed to the user. One would be motivated to have this it assists users in accounting for what has been transferred (Col. 2 lines 10-25 of Xue).

32. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fin in view of U.S. Patent 5,559,943 by Cyr et al. (Cyr).

33. With respect to Claim 5, Fin teaches all the limitations of Claim 4 but does not explicitly disclose a timer that sets the time interval of two single clicks for the operation determining means for judging two single clicks as double click. However, Cyr teaches that a computer system usually determine (judge) two single clicks as being a double click through the use of a timer and a set time interval for the two single clicks (Col. 1 lines 36-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the device disclosed by Fin and modify it as indicated by Cyr such that said information processing unit further comprises a timer, and said timer sets the time interval of two single clicks for the operation determining means for judging two single clicks as double click. One would be motivated to have this as it is known method in the art for allowing users to operate computers (Col. 1 lines 5-57 of Cyr).

34. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cyr and Fin.

35. With respect to Claim 11, Cyr teaches acquiring a specified maximum click interval (Col. 1 lines 36-57), detecting an operation of a pointing device by the input status and coordinates data (Col. 1 lines 36-57), measuring the lapse time when a value of the coordinates data remains at a same value while a button of the pointing device is in ON status (Col. 1 lines 36-57 and Col. 2 lines 16-32), monitoring the operating state

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of the pointing device to check if the lapse time exceed the maximum click interval or not (Col. 1 lines 36-57), judging the lapse time, the input status, and the coordinates data when the pointing device is operated next time (Col. 1 lines 36-57 and Col. 2 lines 16-32), monitoring the operating state of the pointing device to check if the lapse time exceeds the maximum click interval, the input status is changed from ON to OFF, and the coordinates data remains at the same value (Col. 1 lines 36-57 and Col. 2 lines 16-32), detecting the lapse time, the input status and the coordinates data when the pointing devices is operated next time (Col. 1 lines 36-57 and Col. 2 lines 16-32), judging double click is made when the lapse time does not exceed the maximum clicking interval, the button is changed from OFF to ON, and the coordinates data remains at the same value (Col. 1 lines 36-57 and Col. 2 lines 16-32). Cyr does not explicitly disclose transmitting operation information showing the double click to the network. Fin teaches transmitting operation information showing a double click (Col. 9 lines 25-40) onto a network (Col. 9 line 62 - Col. 10 line 14 and Col. 10 lines 23-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Cyr and modify it as indicated by Fin such that the method further includes transmitting the operation information showing the double click to the network. One would be motivated to have this as there is need to be able to remotely control other computers including the use of "double clicks" (Col. 2 line 65 - Col 3 line 9 and Col. 10 line 24-29 of Fin).

36. With respect to Claim 14, Cyr teaches acquiring a specified maximum click interval (Col. 1 lines 36-57), detecting an operation of a pointing device by the input

status and coordinates data (Col. 1 lines 36-57), measuring the lapse time when a value of the coordinates data remains at a same value while a button of the pointing device is in ON status (Col. 1 lines 36-57 and Col. 2 lines 16-32), monitoring the operating state of the pointing device to check if the lapse time exceed the maximum click interval or not (Col. 1 lines 36-57), judging the lapse time, the input status, and the coordinates data when the pointing device is operated next time (Col. 1 lines 36-57 and Col. 2 lines 16-32), monitoring the operating state of the pointing device to check if the lapse time exceeds the maximum click interval, the input status is changed from ON to OFF, and the coordinates data remains at the same value (Col. 1 lines 36-57 and Col. 2 lines 16-32), detecting the lapse time, the input status and the coordinates data when the pointing devices is operated next time (Col. 1 lines 36-57 and Col. 2 lines 16-32), judging double click is made when the lapse time does not exceed the maximum clicking interval, the button is changed from OFF to ON, and the coordinates data remains at the same value (Col. 1 lines 36-57 and Col. 2 lines 16-32). Cyr does not explicitly disclose transmitting operation information showing the double click to the network. Fin teaches transmitting operation information showing a double click (Col. 9 lines 25-40) onto a network (Col. 9 line 62 - Col. 10 line 14 and Col. 10 lines 23-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the computer program product disclosed by Cyr and modify it as indicated by Fin such that the method further includes transmitting the operation information showing the double click to the network. One would be motivated to have this as there is need to be able to

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remotely control other computers including the use of "double clicks" (Col. 2 line 65 - Col 3 line 9 and Col. 10 line 24-29 of Fin).

37. Claims 12 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Cyr and Fin as applied to claims 11 and 14 above, and further in view of Xue.

38. With respect to Claim 12, Cyr and Fin teaches all the limitations of Claim 11 but does not teach transmission of the operation information is further noticed to the user. Xue teaches the transmission of information can be noticed to the user (Col. 2 lines 10-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Fin and modify as indicated by Xue such that the transmission of the operation information is further noticed to the user at step i. One would be motivated to have this it assists users in accounting for what has been transferred (Col. 2 lines 10-25 of Xue).

39. With respect to Claim 15, Cyr and Fin teaches all the limitations of Claim 14 but does not teach transmission of the operation information is noticed to the user. Xue teaches the transmission of information can be noticed to the user (Col. 2 lines 10-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the computer program product disclosed by Fin and modify as indicated by Xue such that the transmission of the operation information is further noticed to the user at step i. One would be motivated to have this it assists users in accounting for what has been transferred (Col. 2 lines 10-25 of Xue).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 703-305-4868. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Lazaro  
August 30, 2004



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